

**ITEM NO:**Application No.  
**18/00948/FUL**Ward:  
Winkfield And  
CranbourneDate Registered:  
12 October 2018Target Decision Date:  
7 December 2018

Site Address:

**Meadow View, Eden Vale & Bolts Cottage Chavey  
Down Road Winkfield Row Bracknell Berkshire RG42  
7PN**

Proposal:

**Erection of 4no. three bed dwellings with new access.**

Applicant:

Bancroft Developments Ltd

Agent:

Mr Neil Davis

Case Officer:

Paul Corbett, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)**Site Location Plan** (for identification purposes only, not to scale)

## 1. SUMMARY

1.1 The principle of this backland development was established by the committee approval of planning application 16/01091/FUL which provided for the erection of three dwellings, a pair 3-bed semi-detached dwellings and no.1 4-bed detached dwelling along with a new access and associated parking and areas for landscaping on land to the rear of Meadow View and Eden Vale.

1.2 The proposal has now been revised to provide 1 additional dwelling on land to the rear of Bolts Cottage so that the development now comprises 4 dwellings in 2 semi-detached blocks each comprising 3 bedrooms and sited across the rear of Meadow View, Eden Vale and Bolts Cottage. The site lies within the designated settlement and has an area of 0.192ha.

1.3 Two mature Oaks adjacent to the southern boundary at the front and rear of the site are protected by confirmed Tree Preservation Order (TPO) 620 and will be retained and protected as part of this proposal.

1.4 It is not considered that the proposal would adversely affect the residential amenities of neighbouring properties or the character and appearance of the surrounding area and the protected trees will be safeguarded. There are no over-riding highway safety implications. The development is not considered to increase flooding elsewhere and the future occupants of the development would be safe from flood risk. Relevant conditions will be imposed in relation to biodiversity and sustainability. The proposal will need to secure SPA mitigation and the scheme is also CIL liable.

<b>RECOMMENDATION</b>
Delegate to the Head of Planning to grant planning permission subject to conditions in Section 11 of this report and a Section 106 Legal Agreement.

## 2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee as more than 5 objections have been received.

## 3. PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
Within settlement boundary
Within 5km buffer to the Thames Basin Heaths Special Protection Area
Tree Preservation Order (ref: TPO 620)
Area D Winkfield Row South, Character Area Assessments SPD

3.1 The site comprises the rear gardens of Meadow View, Eden Vale and Bolts Cottage accessed off Chavey Down Road. There is a single detached garage to the south side of Meadow View which would be demolished to make way for the vehicular access.

3.2 This part of Chavey Down Road is characterised primarily by pairs of semi-detached, two storey houses and Meadow View and Eden Vale have unusually deep gardens compared with the other properties locally, each measuring approximately 75m in depth.

3.3 The land to the rear of Meadow View and Eden Vale falls by approximately 3.25m from that of Chavey Down Road (see figure 3: site cross section).

3.4 A mains sewer runs across the back of the site and is shown to have a 3m easement zone which will remain undeveloped and influences the site layout.

#### **4. RELEVANT SITE HISTORY**

4.1 The following applications are considered to be relevant to this site.

16/01091/FUL APPROVED

Erection of 3no. dwellings (2no. three bed and 1no. four bed) with new access.

16/01277/FUL - APPROVED

Linked application to Meadow View and Eden Vale for the erection of single storey side and two storey side and rear extensions, following demolition of existing two storey rear extensions.

18/00051/COND - Part APPROVAL part REFUSAL

Details pursuant to conditions 3 (finished floor levels), 4 (materials), 6 (working method statement), 8 (demolition method statement), 9 (sustainability statement), 10 (energy demand assessment), 11 (sustainable drainage scheme), 12 (site organisation), 20 (biodiversity enhancements), 21 (boundary treatments), 23 (tree protection), 25 (arboricultural protection), 26 (construction method statement), 27 (hard surface removal), 28 (services) and 29 (hard and soft landscaping) of planning permission 16/01091/FUL.

18/00214/COND APPROVED

Details pursuant to condition 23 (Tree Protection), 25 (AMS), 26 (Hard Surfaces), 27 (Existing Hard Surfaces), 28 (Services), 29 (Hard & Soft Landscaping) to planning permission 16/01091/FUL.

#### **5. THE PROPOSAL**

5.1 The principle of development was established by the committee approval of planning application 16/01091/FUL which comprised 3 dwellings (2no. x 3 beds and 1no. x 4 bed). This proposal would provide 1 additional dwelling to the number already permitted on land to the rear of Bolts Cottage. The proposed development now comprises 2 semi-detached blocks each of 2no. x 3 bed houses across the land to the rear of Meadow View, Eden Vale and Bolts Cottage within the designated settlement with a marginally increased site area of 0.129ha.

5.2 The site layout is constrained by the mains sewer which runs diagonally across the back of the site and has a 3m easement zone which will remain undeveloped and influences the site layout. This is shown on the site layout plan (see figure 2).

5.3 Plots 1 and 2 are two-storey in height and have 3 bedrooms each. They differ from those already approved and now include single-storey flat roofed full width rear extensions 3m in depth. This pair of semis will have a revised ridge height of 8.65m above the dpc.

5.4 Plots 3 and 4 are two-storey in height and have 3 bedrooms each. Plot 3 has been amended from that already approved to include single-storey flat roofed full width rear extension 3m in depth. The new plot does not have a single-storey rear extension. This pair of semis will have a ridge height of 8.95m above the dpc.

5.5 The scheme also makes provision for 12 car parking spaces and turning area within a courtyard area to the front of the properties. Each plot has 2 car parking spaces and incorporates 2 spaces for Meadow View and one visitor space.

5.5 The rear gardens have varying depths between 19m and 32m with plot 4 benefitting from the deepest garden at 32m.

Figure 1: Previously approved scheme (3 dwellings) 16/01091/FUL

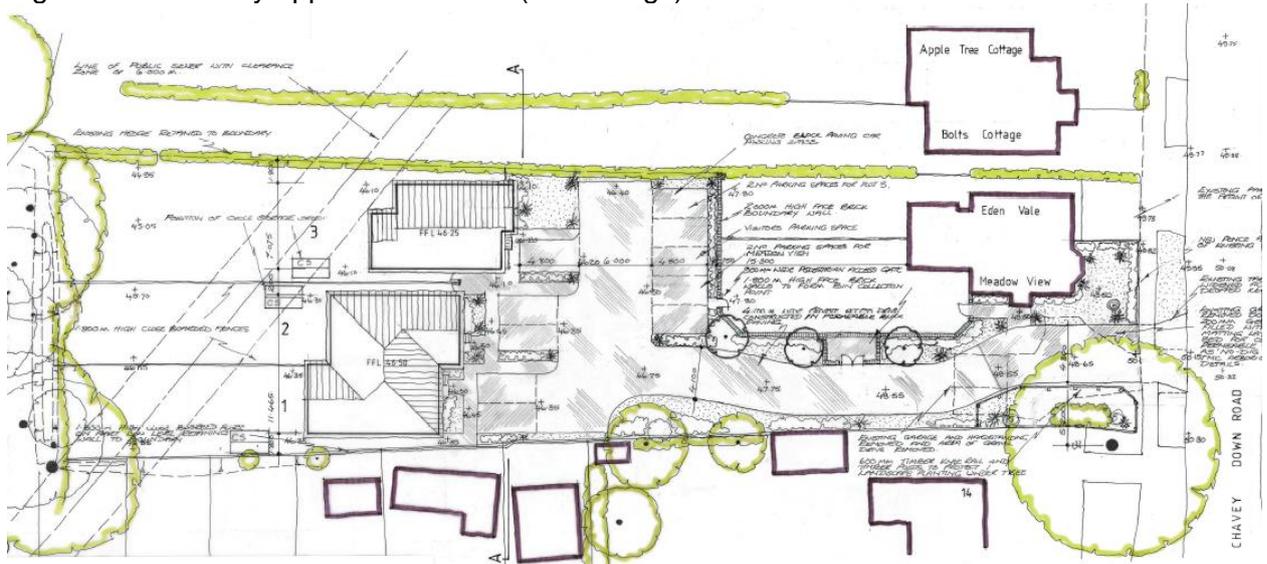


Figure 2: Current proposal: site layout for 4 dwellings (Highlighted parking spaces are allocated to Meadow View fronting Chavey Down Road)

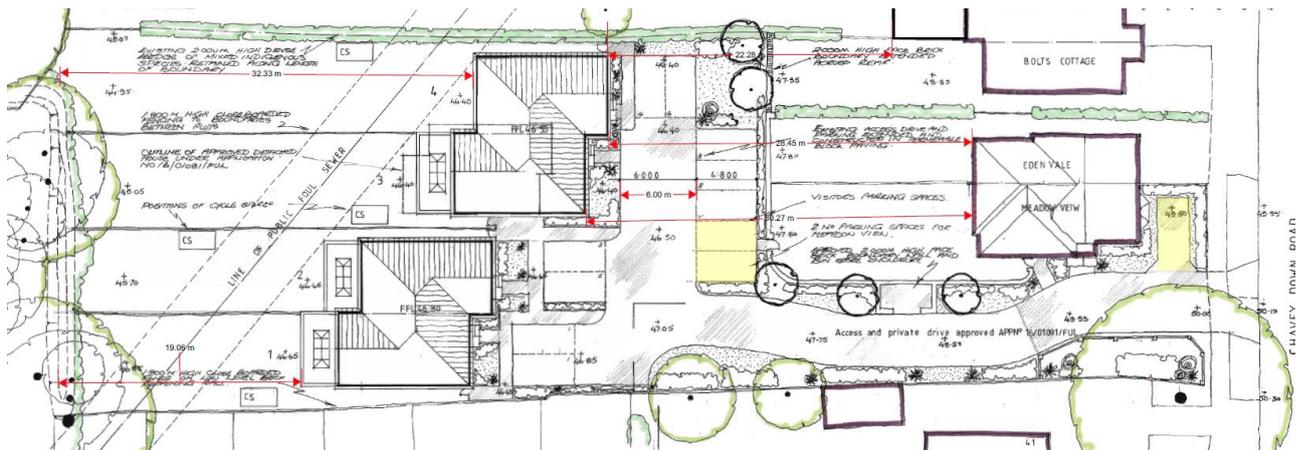
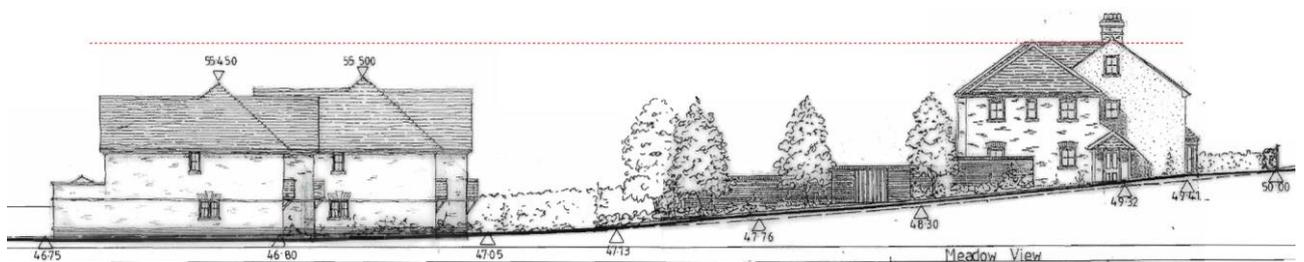


Figure 3: Current proposal: Site Cross Section



## 6. REPRESENTATIONS RECEIVED

### Warfield Parish Council:

6.1 Recommend refusal for the following reasons: -

Although it is noted that the proposals conform with BFC's Parking Standards, WPC is of the view that, in practice, insufficient parking is provided to allow unfettered access and egress of utility and emergency vehicles (saying that parking will inevitably occur in the designated areas), or to allow parking in a considerate and safe manner. Overdevelopment of this kind, although strictly compliant, will result in a dangerous highways situation and will ultimately adversely affect the character of the area.

Other representations:

6.2 15 no. objections have been received. The concerns raised have been summarised below:-

-Adverse impact upon the character and appearance of the area [*Officer Comment: These concerns are addressed under section 9 - Impact on character and appearance of the area.*]

- Adverse impact upon surrounding residential amenity [*Officer Comment: These concerns are addressed under section 9 - Residential Amenity.*]

- Lack of parking, traffic and highway safety implications. [*Officer Comment: These concerns are addressed in section 9 - Transport Implications*]

- Adverse environmental impacts such as noise and lighting [*Officer Comment: Any issues regarding environmental concerns are addressed in section 9 - Transport Implications. Any future issues can also be dealt with under separate health and safety legislation.*]

- Adverse impact upon wildlife. [*Officer Comment: These concerns are addressed under section 9 - Biodiversity*]

- Adverse impact upon drainage. [*Officer Comment: These concerns are addressed under section 9 - Drainage*]

## **7. SUMMARY OF CONSULTATION RESPONSES**

Waste and Recycling Officer

Recommends approval.

Transportation Officer

Recommends conditional approval.

Tree Service

Recommends conditional approval.

Landscape Officer

Recommends conditional approval.

Biodiversity Officer

Recommends conditional approval.

Lead Local Flood Authority

Recommends conditional approval.

## **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The primary planning policies and associated guidance applying to this site are:-

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS16, CS17 of CSDPD, Saved policy H8 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Trees, Landscape and Biodiversity	Saved policies EN1, EN2 and EN20 (ii) of BFBLP, CS1 and CS7 (iii) of CSDPD	Consistent
SPA	CS14 of CSDPD, NRM6 of SEP, Saved policy E3 of BFBLP	Consistent
Sustainability (resources)	CS10 and CS12 of CSDPD	Consistent
Archaeology	Saved policies BFBLP EN6 and EN7 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
Planning Obligations SPD		
Thames Basin Heath Special Protection Area SPD		
Design SPD		
Character Area Assessments SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
Bracknell Forest Community Infrastructure Levy Charging Schedule (2015)		
The House of Commons: Written Statement (HCWS161) Sustainable Drainage Systems		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:-

- i. Principle of development
- ii. Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv. Tree and Landscaping Implications
- v. Transport implications
- vi. Biodiversity
- vii. Sustainability (resources)
- viii. Thames Basin Heaths Special Protection Area
- ix. Drainage
- x. Planning obligations

## **i. PRINCIPLE OF DEVELOPMENT**

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). This is also reflected in Policy CP1 of the Borough's Site Allocations Local Plan (SALP), which sets out that a positive approach to considering development proposals which reflects the presumption in favour of sustainable development as set out in the NPPF should be taken, and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise. This is in conformity with the NPPF.

9.3 The principle of this backland development was established by the committee approval of planning application 16/01091/FUL which provided for the erection 3 no. dwellings comprising a pair of 3-bed semi-detached dwellings and 1 no. 4-bed detached dwelling along with a new access and associated parking and areas for landscaping on land to the rear of Meadow View and Eden Vale.

9.4 The proposal has now been revised to provide 1 no. additional dwelling on land to the rear of Bolts Cottage so that the development now comprises 2 semi-detached blocks each comprising 2no. 3 bedroom houses across the rear of Meadow View, Eden Vale and Bolts Cottage. The site lies within the designated settlement. There has been a marginal increase in the site area of 0.129ha which is considered acceptable.

9.5 The principle of no.1 additional dwelling within the settlement is considered to be acceptable.

## **ii. IMPACT ON CHARACTER AND APPEARANCE OF AREA**

9.6 Policy CS7 of the Core Strategy requires high quality design which in this case should build on the suburban local character, respect local patterns of development, innovative design, enhance landscape and biodiversity, and aid movement and accessibility. Policy EN20 of the Local Plan supports Policy CS7 and sets out how development should be in sympathy with its local environment and appropriate in terms of mass and scale, layout and materials amongst other criteria. These Policies are considered to be consistent with the NPPF.

9.7 The scheme comprises two blocks of semi-detached houses each having 3 bedrooms and associated parking and landscaping. The dwellings are each two-storey in height (maximum height of 8.95m) with car parking spaces set within a parking court.

9.8 A new vehicle access uses the existing driveway off Chavey Down Road and runs adjacent to the side of Meadow View and provides sufficient space to the existing protected mature Oak tree to the left of the site access.

9.9 The proposed boundary treatment to the side and rear gardens of the existing Meadow View and Eden Vale comprises a 2m high brick wall with pedestrian gate to the rear enabling the occupiers of Meadow View to easily access the 1 relocated car parking space.

9.10 The site falls within the Bracknell Forest Character Area Assessments SPD Area D, Winkfield Row South. The SPD includes the following recommendations that are relevant for the application site:

- Over-development could lead to the loss of glimpses into open fields or to woodland, therefore some visual connectivity with long views into the surrounding landscape should be maintained.

-In new development, create new long views to the surrounding landscape

Although the views on the application site have not been identified as key view points within the SPD the proposed development would limit views to the woodland beyond.

9.11 The proposed ridge heights of the houses have been marginally increased to a maximum 8.95m above the dpc to address the site level differences. However, given the land falls quite significantly to the rear, this amendment would not detract from the character of the area.

9.12 The additional single-storey rear extensions to the 3 dwellings already approved and the generous rear gardens that have varying depths between 19m and 32m would not adversely impact upon the character of the area or the woodland or protected tree.

9.13 The external materials have already been approved under the previous application and remain unchanged. The main brickwork will comprise Ibstock Bexhill Red brick and a Berkshire Orange for detailing with the roof finished with AG Terreal plain clay tiles- dark stain.

9.14 The proposed layout is considered sympathetic to the area, insofar as the proposed houses are proportionate in scale to other dwellings in the immediate locality. As a result of the fall of the land to the rear of site the proposed houses' height and prominence would be reduced compared with the houses fronting Chavey Down Road. Only restricted views of the houses will be possible from public viewpoints.

9.15 The level of landscaping and useable amenity space on site is considered to be acceptable and overall there is an adequate balance between hardstanding, landscaping and built form.

9.16 To conclude, the layout of the proposed development to include 1 additional plot and other amendments is considered to be sympathetic and as such would not adversely impact upon the character and appearance of the area. The proposals would therefore comply with Policies EN1 and EN20 of the Bracknell Forest Local Plan and Policy CS7 of the Core Strategy Development Plan and Design SPD and Character Area Assessments SPD. These policies are considered to be consistent with the NPPF.

### **iii. RESIDENTIAL AMENITY**

9.17 Policy EN20 of the Local Plan seeks to ensure appropriate design but also seeks to ensure that development does not adversely affect the amenity of surrounding properties. This Policy is considered to be consistent with the NPPF. The proposal needs to be assessed with regard to the impact of the new development on its neighbours as well as the impacts on occupants of the proposed development.

9.18 Most of the representations received relate to the scheme as a whole. However, the impacts of most elements of the scheme have already been addressed through the determination of the existing planning permission. The only element not considered at this time is the acceptability of the additional plot 4 which is positioned to the north and rear garden of Bolts Cottage. This potentially only affects Bolts Cottage itself and the neighbouring property Appletree Cottage.

9.19 The proposed housing is two-storey in height with a maximum ridge height of 8.95m above the dpc.

9.20 Local residents have raised concerns that the development as a whole is un-neighbourly in respect of the potential for an increase in noise, light pollution, traffic and overlooking. However, it is considered that the proposed scale and layout is such that any adverse impact upon

existing and future occupiers is minimised so far as possible by the design of the scheme. It is considered that the separation distance at the closest point between the additional Plot 4 and in particular the conservatory to the rear of Appletree Cottage remains acceptable, being in excess of 22m.

9.21 The intervening distances between the other plots and the rear of the existing properties (Meadow View, Eden Vale and Bolts Cottage) is maintained at approximately 30m. This significantly reduces any potential overlooking issues raised and the proposed garden depths of the new properties are relatively generous at approximately 20-25m.

9.22 To conclude it is considered that the layout and scale as proposed, would not result in any adverse impacts upon residential amenity. As such the proposal is considered to comply with Bracknell Forest Local Plan Policy EN20, Design SPD and the NPPF.

#### **iv. TREE AND LANDSCAPING IMPLICATIONS**

9.23 The site contains a large Oak tree to the front of the site and one further Oak to the rear of the site, both of which are covered by a Tree Preservation Order (TPO620). There is also extensive woodland cover along the rear boundary of the site, on land managed by the Council, which includes maturing Oaks on or near the boundary.

9.24 The Oak at the front of the site is considered to be a landmark A1 grade tree under BS 5837 guidance. Its natural rooting environment is already heavily compromised on all sides outside the site by the presence of hard surfaces.

9.25 The existing soft landscape area directly adjacent to the tree within the site together with Meadow View's existing drive and area under the garage in its entirety constitutes a significant proportion of the tree's main rooting environment on which it will be heavily reliant to sustain normal healthy growth. All associated works and protection have already been agreed under the discharge of planning conditions reference 18/00214/COND.

9.26 In respect of the landscape setting, and views which the Bracknell Forest Character Area Assessments SPD Area D, Winkfield Row South seeks to preserve, it does not specifically identify this small gap between the existing houses. It is considered on balance that this proposal would not significantly impact upon the views and as such is not considered to conflict with the Character Area Assessments SPD.

#### **v. TRANSPORT IMPLICATIONS**

##### **Access**

9.27 This site would take access off Chavey Down Road, a local distributor road (classified B road) which is subject to a 30mph speed limit. There is a footway fronting the site.

9.28 The existing driveway access to Meadow View (off Chavey Down Road) is to be altered to become an access road to 4 new dwellings to the rear, whilst also providing access to rear car parking for Meadow View. Pedestrian access to the front and rear of Meadow View would be provided. This is the approved access for 16/01091/FUL, and sight-lines of at least 2.4m by 43m can be achieved to either side of the access, in line with the speed limit. Thus, the addition of one dwelling would be acceptable.

9.29. A 4.8m wide access road is provided for the first 10m, and a widened dropped kerb is proposed which would enable two vehicles to pass and be clear of Chavey Down Road. Proposed fencing and hedging along the site frontage with Chavey Down Road should be kept low for pedestrian visibility and this should be secured by planning condition. The shared

surface reduces to 4.1m thereafter and this is adequate for 4 houses enabling cars, pedestrians and cyclists to pass at low speed. A permeable block paved access road is proposed which would provide an appropriate surface and drainage. Some low-level bollard lighting would assist in making the access and parking area welcoming.

9.30 The Site Plan and Sections indicates that there would be adequate access and turning provision for a domestic delivery vehicle. A Council bin Lorry would not enter this new site and a bin collection point is to be provided within 25m of Chavey Down Road which would enable collection of waste by the Council from the main road. Therefore access should not be gated to allow access for waste collection. The bin collection point is around 50m from the back gardens of these new houses and this exceeds the recommended residential haul distance for a wheeled bin of 30m.

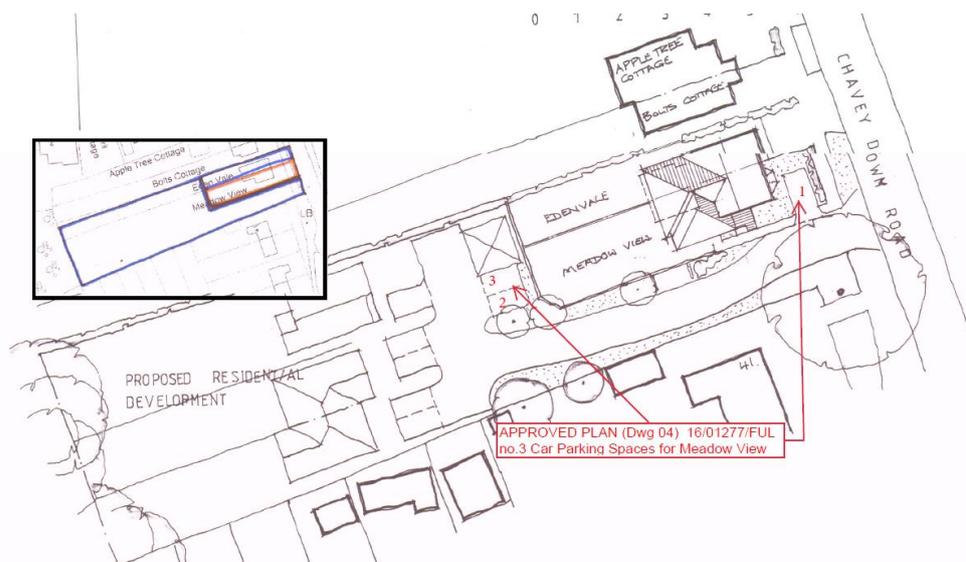
9.31 Each new dwelling is to be provided with rear access for bin storage and cycle parking and adequate pedestrian access to front doors.

### Parking

9.32 There are no parking restrictions in the surrounding area and there may well be some residential parking pressures on Chavey Down Road and adjacent side roads.

9.33 A total of 12 parking spaces are to be provided within the site, including 8 spaces to comply with the residential parking standards for these 4 new 3-bed dwellings, one visitor parking space, and 3 parking spaces for Meadow View a linked approved planning permission 16/01277/FUL now implemented (see Figure 4). The car parking spaces were secured by planning condition 6 of 16/01277/FUL. 2 of the parking spaces for Meadow View would be positioned to the rear, with a rear gated pedestrian access provided, and one parking space to the front of the property. A condition is included to ensure this provision is secured as the enlargement of Meadow View & Edenvale has now been implemented. The existing parking to the front of Eden View, and Bolts Cottage would remain.

Figure 4: Extract from approved site layout plan 16/01277/FUL



9.34 The parking spaces measure 2.4m by 4.8m with at least 6m of aisle space, and this complies with current standards. Cycle sheds are shown on the plan, and provision should be secured by planning condition.

## Trips

9.35 4 new dwellings could generate in the region of 20 to 24 two-way trips per day overall, including two or three movements in either peak period. A construction management plan to control site deliveries and contractor parking should be secured by planning condition.

9.36 To conclude, with suitable conditions, the proposal is not considered to result in any unacceptable highway safety implications and is therefore considered to comply with BFBLP Policies M4, M9 and CSDPD Policies CS23 and CS24 and the NPPF.

## **v. BIODIVERSITY**

9.37 The applicant's original ecology report concluded that there was little potential for protected species to be affected by this proposal. However, the report did recommend measures to minimise the potential effect of the construction on biodiversity and recommended enhancements in line with policies CS1 and CS7. In addition to those recommendations, the boundary specification should also include access points for hedgehogs to allow the movement of these and other species through the site.

9.38 The biodiversity enhancements as identified in the appellants approved Biodiversity Enhancement Plan comprise 1SP Schwegler Sparrow terrace, to be located under eaves of north facing wall of house plot 3 and 4 and the lbstock enclosed bat tubes, to be located under eaves of the south facing wall of house Plot 1 now shown on the revised Hard and soft landscaping Plan BANC21721-11 rev F which also shows mammal breaks (20cm x 20cm) within the boundary treatment to enable mammals freedom to roam. These measures are considered acceptable to protect and enhance biodiversity and as such comply with Core Strategy policy CS1 and the NPPF.

## **vi. SUSTAINABILITY (RESOURCES)**

9.39 Since the Government's Ministerial statement of the 26th March 2015 for residential development CSDPD Policy CS10 requires the submission of a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day. The applicant has submitted a Sustainability Statement which confirms compliance with calculated water usage of 109.1 litres/person/day.

9.40 CSDPD Policy CS12 requires the submission of an Energy Demand Assessment demonstrating that a proportion of the development's energy requirements will be provided from on-site renewable energy production for which the proportion shall be at least 10% for 4 dwellings. This shall include an explanation of the proposed choice of renewable energy to be installed. It should also be demonstrated how the development's potential carbon dioxide emissions will be reduced by at least 10%.

9.41 The applicant has submitted a revised Energy Demand Assessment to include the additional plot 4 which has been reviewed by the Renewable Energy Officer confirming that Solar (thermal) will be installed on all properties providing 11.5% on site renewable energy and therefore complying with CSDPD Policies CS12 and the provisions of the NPPF.

## **viii. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)**

9.42 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the

integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out taking account of mitigation requirements.

9.43 This site is located approximately 4.3 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.44 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.45 In this instance, the development would result in a net increase of 4 x 3bed dwellings (previously comprised 2 x 3beds and 1 x 4bed dwellings) which results in a total SANG contribution of £17,422 (this figure takes account of SANG contributions paid under planning permission ref 16/01091/FUL).

9.46 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. The total SAMM contribution is £615 (this figure takes account of SAMM contributions paid under planning permission ref 16/01091/FUL).

9.47 An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that the Council would be required to refuse a planning application.

9.48 However it is concluded that in consultation with Natural England, provided the applicant is prepared to make a financial contribution as set out in the Thames Basin Heaths SPA SPD (April 2018) to be secured by entering a S106 legal agreement, the application will be in accordance with the SPA mitigation requirements and development plan policies. The proposal can therefore be supported as it would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF.

9.49 In summary, the total SPA related financial contribution to be secured through a section 106 agreement for this proposal is £27,292. The applicant is currently in communication with the Council's legal department to secure the SPA Mitigation.

## **ix. DRAINAGE**

9.50 The site has an existing Thames Water foul drain which runs through the rear of the site, southwest to northeast with a restrictive development easement to safeguard its long-term maintenance.

9.51 The principle of development at this site was established under the previous planning permission 16/01095/FUL. The Applicant has incorporated the additional dwelling within the

proposed SUDS scheme and as such the development will not result in an increase in runoff rates over that already approved under the previous application.

9.52 Whilst the Drainage Engineer had previously raised concerns regarding the adequacy of the foul drainage in the area, Thames Water have previously agreed to receive the foul flows into their asset.

9.53 The Drainage Engineer raises no objection to this proposal subject to securing details before development commences on plot 4 by condition, detailing how the surface water drainage shall be maintained and managed after completion. This shall include: confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design, and that access and egress for future residents will be maintained during any operations to repair or replace drainage features. This will ensure that the site is properly drained and does not increase the risk of flooding to comply with CSDPD Policy CS1.

#### **x. CIL**

9.54 The proposal would be CIL liable. The application site lies within the zone of the Northern Parishes. In the event of planning permission being granted, a CIL Liability Notice (CLN) will be issued for the development.

#### **xi. PLANNING OBLIGATIONS**

9.55 The following obligations will be included within a Section 106 Legal Agreement:-

- Thames Basin Heaths SPA mitigation

#### **10. CONCLUSIONS**

10.1 The principle of this backland development was established by the Committee's approval of planning application 16/01091/FUL for 3 plots and current proposal introduces 1 additional plot which is considered acceptable in principle.

10.2 The introduction of 1 no. additional plot and additional extensions would not adversely affect the residential amenities of neighbouring properties or future occupiers, or protected trees subject to appropriate conditions and would not adversely impact upon the character and appearance of the surrounding area.

10.3 No adverse highway safety implications will arise subject to the imposition of conditions.

10.4 Relevant conditions will also be imposed in relation to detailed design, biodiversity, sustainability and landscaping as well as drainage.

10.5 A legal agreement will secure the additional contribution required for SPA mitigation and the scheme is CIL liable.

10.6 A number of objections were received. The report has sought to address the matters they raise.

10.7 It is concluded that on balance this proposal accords with 'Saved' Policies EN20 and M9 of the BFBLP, CS1, CS2, CS7 and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

#### **11. RECOMMENDATION**

**Following the completion of planning obligations under Section 106 of the Town and Country Planning Act 1990 relating to:-**

01. mitigation of impacts on the Thames Basin Heaths SPA;

That the Head of Planning be authorised to APPROVE the application 18/00948/FUL subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary and following the required consultation with the agent in relation to pre-commencement conditions: -

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details.

2431-01A - Plot 1 & 2 Plans & Elevations - LPA received 02.07.19

2431-02A - Plot 3 & 4 Plans & Elevations - LPA received 02.07.19

2431-03C - Site Plan & Sections - LPA received 04.07.19

2431-04A - Site Location & Context Plan - LPA received 02.07.19

2431-05 - Cycle Stores - LPA received 04.07.18

Landscape Management and Maintenance Plan (Rev A) Ref: BANC21721man - LPA received 04.06.19

Hard and soft landscaping Plan BANC21721-11 rev F - LPA received 04.06.19

Drainage details:

181019-500-01-E Drainage Layout Site Plan – LPA received 01.11.18

181019-510-01-D Drainage Layout Manhole & Sewer Schedules – LPA received 01.11.18

181019-520-01-D Drainage Layout Sewer Long Sections – LPA received 01.11.18

181019-DC-MK-RS-01-C (1) Technical Note - Drainage Calculations – LPA received 01.11.18

Sustainability Statement (Water usage efficiency) – LPA received 03.06.19

Energy Demand Assessment – LPA received 03.06.19

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. The approved finished floor levels as shown on drawing no. 181019/300/01 Rev B and drawing no. 181019/1100/01 Rev B received 5 September 2018 shall be carried out in accordance with the approved details (Planning Conditions Approval 18/00051/COND).

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The approved Materials for this development comprising the following shall be carried out in accordance with the approved details (Planning Conditions Approval 18/00051/COND).

The use of the following materials are acceptable in relation to the above condition:

Roof tiles: AG Terreal plain clay tiles- dark stain.

Walls: Ibstock Bexhill Red Stock - main brickwork and;

Ibstock Berkshire Orange Stock - detailed brickwork.

Windows: Antique white cottage style uPVC.

External paving: Block paving - charcoal for drives and entrance footpaths;

Indian stone - buff mix for patios and rear footpaths

REASON: In the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP Saved Policy EN20, Core Strategy DPD Policy CS7]

05. No site clearance to Plot 4 shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. Any site clearance during this period shall be undertaken in compliance with the approved scheme.

REASON: In the interests of nature conservation specifically relative to Plot 4 as works have commenced on Plots 1-3.

[Relevant Plans and Policies: BFBLP EN3, CS1, CS7]

06. The approved Construction Method Statement and Dust Mitigation Statement by the Edward Irish Partnership LLP received 9 March 2018 shall be performed, observed and complied with. This statement should be implemented in accordance with conditions 23, 25, 26, 27 in order to safeguard the protected oak tree, ref: TPO 620 T1.

REASON: In the interest of amenity.

07. The approved Construction Method Statement and Dust Mitigation Statement by the Edward Irish Partnership LLP received 9 March 2018 shall be carried out in accordance with the approved scheme (Planning Conditions Approval 18/00051/COND).

Reason: In the interests of the amenities of the area.

08. The approved amended Sustainability Statement (water usage efficiency) by SBA Ltd received on 03.06.19 shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD Policy CS10]

9. The approved amended Energy Demand Assessment SBA Ltd received on 03.06.19 shall be implemented in accordance with the Energy Demand Assessment, and retained as such thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

10. No building or use hereby permitted shall be occupied or the use commenced until details of how the surface water drainage shall be maintained and managed after completion have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the required maintenance activities with expected frequency, with site specific assessments included to demonstrate that health and safety has been fully considered in the design and that access and egress for future residents will be maintained during any operations to repair or replace drainage features.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding

[Relevant Plans and Policies: CSDPD CS1]

11. No building or use hereby permitted shall be occupied or the use commenced until the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Written confirmation of agreements for the management and maintenance of the drainage scheme shall be submitted and approved by the local planning authority.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding

[Relevant Plans and Policies: CSDPD CS1]

12. The approved site organisation details shown on drawing no. 2123-101 received 9 March 2018 for each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the approved purposes. (Planning Conditions Approval 18/00214/COND)

REASON: In the interests of amenity and road safety.

[Relevant Policies: Core Strategy DPD CS23]

13. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with details which have been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

14. The dwelling(s) hereby permitted shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

15. No dwelling shall be occupied until the associated vehicle parking has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

16. No dwelling shall be occupied until the secure cycle parking stores as approved have been provided in the location identified for cycle parking on the approved plans within the development. The cycle parking spaces and facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

17. No gates shall be provided at the vehicular access to the site.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

18. The 3 no. vehicle car parking spaces serving Meadow View shall be provided in accordance with the approved plans, and shall not thereafter be used for any purpose other than parking and turning.

REASON: To ensure compliance with the agreed parking provision on previous planning permission 16/01091/FUL and linked application 16/01277/FUL (condition 6) to provide 3 no. car parking spaces for Meadow View. that the development is provided with adequate car parking and manoeuvring to prevent the likelihood of on-street car parking and manoeuvring which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order), no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

20. All ecological measures and/or works shall be carried out in accordance with the details contained in Aspect Ecology's report dated November 2016 and maintained as such thereafter.

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1]

21. The approved Biodiversity Enhancement Plan by AAe received 9 March 2018 and drawing no. BANC21721-11D received 12 November 2018 scheme shall be performed, observed and complied with (Planning Conditions Approval 18/00051/COND).

REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

22. The approved boundary treatment contained within amended drawing no. BANC21721-11 rev F - LPA received on 04.06.19 shall be implemented and maintained thereafter.

Please note that this does not relate to the installation of the timber sleepers proposed within the root protection area of the protected oak tree.

REASON: To ensure that the development is carried out only as approved by the local Planning Authority  
REASON: In the interests of nature conservation  
[Relevant Plans and Policies: CSDPD CS1, CS7]

23. If within a period of 5 years from the completion of the development: -

No retained tree, hedgerow or groups of shrubs (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority.

Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans submitted in accordance with other conditions of this consent, which die are removed or irreparably damaged during the course of the development within a period of 5 years of the completion of the development, another tree, hedgerow or group of shrubs of the same species and size as that originally planted shall be planted at the same time.

REASON: In the interests safeguarding visual amenity.  
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

24. The approved Tree Protection details contained in the report entitled "Arboricultural Method Statement" by ACD Environmental, ref: BANC21721ams Rev C and drawing no. BANC2171-03D (tree protection plan) contained in Appendix 1 received 23 January 2019 by the Local Planning Authority and amended by email dated 18 April 2019 (from Patrick Bancroft) referring to topping up mulch. The development shall be carried out in full accordance with the approved scheme (Planning Conditions Approval 18/00214/COND)

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area  
[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

25. The approved Arboricultural protection measures contained in the report entitled "Arboricultural Method Statement" by ACD Environmental, ref: BANC21721ams Rev C received

23 January 2019 shall be undertaken in full compliance with the approved details. A copy of the signed inspection report shall be sent to the Local Authority following each visit as part of the monitoring (Planning Conditions Approval 18/00214/COND).

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

26. The approved Construction Method Statement and details contained in the report entitled "Method Statement Principles - Tree root protection slab to access roadway" by M and D Foundations received 18 March 2019 and details shown on drawing no. 01B (road construction piling details) received 16 April 2019 by the Local Planning Authority and amended by email dated 1 May 2019 (from Patrick Bancroft) providing confirmation that the installation of the access road where it is within the root protection area of the protected Oak tree and will be supervised by the Applicant's Arborist, shall be implemented in full accordance with the approved scheme under arboricultural supervision. The No Dig structure shall be retained in perpetuity thereafter (Planning Conditions Approval 18/00214/COND).

REASON: - In order to safeguard tree roots and thereby safeguard trees in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

27. The approved site specific method statement for the removal of all existing hard surfaced areas and/or structures within RPA contained in the report entitled "Arboricultural Method Statement" by ACD Environmental, ref: BANC21721ams Rev C and drawing no. BANC2171-03D (tree protection plan) contained in Appendix 1 received 23 January 2019 by the Local Planning Authority shall be observed, performed and complied with in full accordance with the approved details (Planning Conditions Approval 18/00214/COND).

REASON: - In order to safeguard tree roots and thereby safeguard trees in the interests of the visual amenity of the area

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

28. The approved services details shown on drawing no. 102 (site plan services - trenchless technology) received 23 January 2019 by the Local Planning Authority and amended by email dated 4 March 2019 (from Patrick Bancroft) removing the word "preliminary" from the plan; and details contained in the document entitled "Pit Launched Horizontal Directional Drilling (HDD) Method Statement" by Chiltern Thrust Bore Ltd received 23 January 2019 shall be carried out under arboricultural supervision in full accordance with the approved site layout and the approved programme (Planning Conditions Approval 18/00214/COND).

REASON: - In order to safeguard tree roots and thereby safeguard existing trees and other vegetation considered worthy of retention and to ensure new soft landscape planting areas are not adversely affected and can be used for their approved purpose, in the interests of the visual amenity of the area

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

29. The approved Hard and soft landscaping details shown on amended drawing no. BANC21721-11 rev F - received 04.06.19 by the Local Planning Authority comprising all planting soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development.

REASON: - In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

30. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose. If within a 5 year period of the

completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies it shall be replaced by plants of the same species and size as that originally planted at the same place.

REASON: - In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration permitted by Classes A, B, C, D E and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: The site is affected by a Tree Preservation Order/contains trees which are a feature of the site where strict control over development is required by the policies of the development to ensure their protection.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

Informatives:

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The applicant will require a highway license or 278 legal agreement with the Highway Authority prior to commencement of highway access works.

03. Trees on and adjacent to this site are be protected by Tree Preservation Orders. Therefore detailed written consent must be obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non-compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non-compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

04. It should be noted that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non-compliance with this requirement may be liable to prosecution by the Council.

05. The applicant is advised that the proposal does not comply with the Council's standard in respect of the distance from the dwellings to the bin storage area and as such any occupiers will need to carry their bins/refuse to the bin storage area at the front of the site.

06. Compliance with Conditions

(i) Details required before commencement

10 (SUDs Management & maintenance -Plot 4)

(ii) Details required before occupation/use

11 (SUDs Management & maintenance -Plot 4), 13 (vehicular access), 14 (visibility splays), 15 (vehicle parking), 16 (cycle parking)

(iii) Compliance only conditions

1 (Time), 2 (Approved details), 3 (Levels), 4 (Materials), 5 (Site Clearance Plot 4), 6 (Construction Method Statement Tree Protection), 7 (Construction Method Statement and Dust Mitigation Statement), 8 (Sustainability Statement-water usage efficiency), 9 (Energy Demand Assessment), 12 (Site organisation), 17 (No Gates), 18 (Parking- Meadow View), 19 (no external lighting), 20 (Ecological mitigation), 21 (Biodiversity Enhancement), 22 (Boundary treatment), 23 (Landscaping retention), 24 (Tree Protection), 25 (Construction Method Statement – Trees), 26 (Tree Protection – Access Road), 27 (Trees- Hard surfacing), 28 (Services), 29 (Hard & Soft Landscaping), 30 (Landscape retention), 31 (PD restricted)